

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In re Request of)
)
Broadcasting Board of Governors)
United States of America)
)
For Extension of Authorization)

MEMORANDUM OPINION AND ORDER

Adopted: February 17, 2005

Released: February 18, 2005

By the Chief, International Bureau:

1. This Order addresses a request by the Broadcasting Board of Governors (BBG) that the Commission extend for one year the authorization for TV Marti to operate Channel 13 facilities with technical parameters at variance from those that the Commission originally authorized.¹ The Commission originally granted to the United States Information Agency (USIA) authorization to use Channel 13 for TV Marti facilities to broadcast television programming to Cuba.² Thereafter BBG became responsible for TV Marti, and on August 19, 2004, the Commission adopted the *Modification Order* that amended the allocation of Channel 13 to BBG.³ The *Modification Order* also authorized TV Marti to operate Channel 13 facilities with technical parameters at variance from those that the Commission had previously authorized.⁴ This authorization was for a period of six months from the date of the *Modification Order*.⁵ BBG now requests a one year extension of that six month period.⁶ As discussed below, we grant the request, subject to conditions to ensure the TV Marti facilities do not cause harmful interference to Commission licensees.

¹ Letter from Kenneth Y. Tomlinson, Chairman, Broadcasting Board of Governors, United States of America, to Michael Powell, Chairman, Federal Communications Commission, dated January 14, 2005 (BBG letter).

² *Request of United States Information Agency*, 6 FCC Rcd 1714 (1991), as modified by Letter of Roy J. Stewart, Chief, Mass Media Bureau, to Joe Bruns, Acting Director, Voice of America, dated July 26, 1993, and 10 FCC Rcd 4514 (1995) (*Request of USIA*).

³ *Request of United States Department of State for Modification of Authorization*, Memorandum Opinion and Order 19 FCC Rcd 16259 (2004) (*Modification Order*).

⁴ *Id.*

⁵ *Id.*

⁶ BBG Letter.

2. Consistent with the Commission's previous order, we have evaluated BBG's request to extend authorization of the modified facilities for one year, and find that BBG's operations comply with the *Modification Order*. In accordance with the Television Broadcasting to Cuba Act⁷, and in recognition of the foreign policy interests noted by BBG, we grant BBG's request and allow TV Marti to continue to operate Channel 13 facilities with technical parameters at variance from those the Commission previously authorized. This authorization is for the term of one year and is subject to the same conditions enumerated in the *Modification Order*.
3. As this change to the TV Marti authorization carries out the mandate of the Television Broadcasting to Cuba Act, and reflects foreign policy determinations made by Congress and the President of the United States, we find for good cause that public notice and comment thereon is unnecessary.⁸
4. Accordingly, IT IS ORDERED that TV Marti may operate Channel 13 television facilities with technical parameters at variance from those previously authorized by the Commission. Such operations shall be permitted for a period of twelve months from the effective date of this Order.
5. IT IS FURTHER ORDERED that TV Marti's operations on Channel 13 be on a non-interference basis and that such operations must cease if the Commission determines that they are causing harmful interference to any lawfully operating Commission licensee.
6. IT IS FURTHER ORDERED that this Order shall be effective immediately upon release.

FEDERAL COMMUNICATIONS COMMISSION

Donald Abelson
Chief
International Bureau

⁷22 U.S.C. §1465bb(d)(1). Television Broadcasting to Cuba Act, in Foreign Relations Authorization Act, Fiscal Years 1990 and 1991, Part D of Title II, Pub. L. No. 101-246 Stat. 58, Section 242(3).

⁸ See 5 U.S.C. § 553(a) (1), (b) (3) (B).